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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

MIKE GLEASON, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE

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AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

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IN THE MATTER OF THE APPLICATION OF
THE UNION PACIFIC RAILROAD COMPANY
TO ALTER TWO CROSSINGS OF THE UNION
PACIFIC RAILROAD IN PINAL COUNTY,
ARIZONA AT PARK LINK DRIVE AND
MISSILE BASE ROAD.

DOCKET NO. RR-03639A-07-0606

PROCEDURAL ORDER

BY THE COMMISSION:

On October 19, 2007, the Union Pacific Railroad Company ("Railroad") filed with the Arizona Corporation Commission ("Commission") an application for approval for the Railroad to alter two crossings of the Railroad in Pinal County ("County"), Arizona by adding a second set of mainline tracks. These crossings are in Pinal County at Park Link Drive, AAR/DOT No. 741 714K and Missile Base Road, AAR/DOT No. 741 761Y ("Application").

On October 24, 2007, the Commission's Safety Division's Railroad Safety Section ("Staff") and the Railroad participated in a teleconference to discuss aspects of the Application including public notice, other procedural matters and to determine a date for the hearing.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the request of the Union Pacific Railroad shall be considered an Application to construct a second set of mainline tracks at five existing crossings pursuant to A.R.S. § 40-337, et seq.

IT IS FURTHER ORDERED that the Union Pacific Railroad shall be considered as the Applicant in this proceeding.

IT IS FURTHER ORDERED that the **hearing** on the Application shall be held on **March 13, 2008, at 9:30 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West

1 Washington Street, Phoenix, Arizona.

2 IT IS FURTHER ORDERED that within five business days of receipt of this Procedural
3 Order, **THE UNION PACIFIC RAILROAD SHALL PROVIDE PINAL COUNTY**
4 **(“COUNTY”), THE ARIZONA DEPARTMENT OF TRANSPORTATION (“ADOT”) AND**
5 **ANY OTHER MUNICIPALITY OR INTERESTED PARTY** that may be affected by the
6 application with a copy of the application and this Procedural Order by **certified U.S. mail.**

7 IT IS FURTHER ORDERED that Utilities Division, Railroad Safety Section shall prepare a
8 written **Staff Report and associated exhibits** to be presented at hearing and file copies of them with
9 Docket Control on or before 4:00 p.m. on **February 22, 2008.**

10 IT IS FURTHER ORDERED that any **objections to the Staff Report and associated**
11 **exhibits** shall be reduced to writing and filed with Docket Control on or before 4:00 p.m. on **March**
12 **3, 2008.**

13 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
14 105, except that all motions to intervene must be filed on or before **February 15, 2008.**

15 IT IS FURTHER ORDERED that **Union Pacific Railroad shall provide public notice of**
16 **the hearing** in this matter, in the following form and style:

17 **IN THE MATTER OF THE APPLICATION OF THE UNION PACIFIC**
18 **RAILROAD TO ADD A SECOND SET OF MAINLINE TRACKS AT EXISTING**
19 **CROSSINGS IN PINAL COUNTY, ARIZONA AT PARK LINK DRIVE,**
20 **AAR/DOT NO. 741 714K, AND MISSILE BASE ROAD, AAR/DOT NO. 741 761Y**
(DOCKET NO. RR-03639A-07-0606)

21 On October 19, 2007, the Union Pacific Railroad (“Railroad”) filed with the Arizona
22 Corporation Commission (“Commission”) an Application for the Railroad to add a
23 second set of mainline tracks at existing crossings in Pinal County, Arizona at Park
24 Link Drive, AAR/DOT No. 741 714K and Missile Base Road, AAR/DOT No. 741
25 761Y.

26 The Application is available for inspection during regular business hours at the
27 offices of the Commission at 1200 West Washington Street, Phoenix, Arizona, and on
28 the internet via the Commission website (www.azcc.gov) using the e-docket function.

The Commission will hold a hearing on this matter commencing on **March 13,**
2008, at 9:30 a.m., at the Commission’s offices, 1200 West Washington Street,
Phoenix, Arizona. Public comments will be taken on the first day of the hearing.

The law provides for an open public hearing at which, under appropriate
circumstances, interested parties may intervene. Intervention shall be permitted to

1 any person entitled by law to intervene and having a direct and substantial interest in
2 the matter. Persons desiring to intervene must file a written motion to intervene with
the Commission, which motion should be sent to Applicant or its counsel and to all
parties of record, and which, at the minimum, shall contain the following:

- 3 1. The name, address, and telephone number of the proposed intervenor and of any
4 party upon whom service of documents is to be made if different than the
intervenor.
- 5 2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a
6 customer of Railroad, a neighboring property owner, a crossing user, etc.).
- 7 3. A statement certifying that a copy of the motion to intervene has been mailed to
the Applicant or its counsel and to all parties of record in the case.

8 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
9 that all motions to intervene must be filed on or before February 15, 2008. The
granting of intervention, among other things, entitles a party to present sworn
10 evidence at hearing and to cross-examine other witnesses. However, failure to
intervene will not preclude any concerned individual from appearing at the hearing
and making a statement on such individual's own behalf.

11 If you have any questions about this application, you may contact the applicant at
12 **[insert telephone number]**. If you wish to file written comments on the application
or want further information on intervention, you may write the Consumer Services
13 Section of the Commission at 1200 West Washington Street, Phoenix, Arizona
85007 or call 1-800-222-7000 or appear at the hearing and make comment.

14 The Commission does not discriminate on the basis of disability in admission to its
15 public meetings. Persons with a disability may request a reasonable accommodation
such as a sign language interpreter, as well as request this document in an alternative
16 format, by contacting Linda Hogan, ADA Coordinator, voice phone number 602/542-
3931, E-mail lhogan@azcc.gov. Requests should be made as early as possible to
17 allow time to arrange the accommodation.

18 IT IS FURTHER ORDERED that the Union Pacific Railroad shall cause the above notice to be
19 published at least once in a daily newspaper of general circulation in the area and at least three times in
20 a weekly publication in the city/county where the crossing is located, with **publication to be
21 completed no later than January 15, 2008.**

22 IT IS FURTHER ORDERED that notice shall be deemed complete upon the
23 mailing/publication of same, notwithstanding the failure of an individual or entity to read or receive
24 the notice.

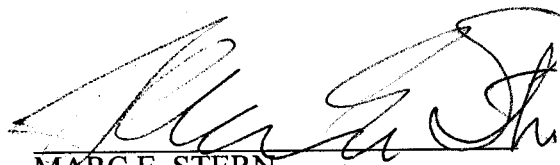
25 IT IS FURTHER ORDERED that the **UNION PACIFIC RAILROAD SHALL FILE**
26 **CERTIFICATION OF NOTICE WITH THE COMMISSION'S DOCKET CONTROL AS**
27 **SOON AS PRACTICABLE** after the mailing/publication of notice ordered herein has been
28

completed.

IT IS FURTHER ORDERED that all parties must comply with Rule 31 and 38 of the Rules of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law and admission *pro hac vice*.

IT IS FURTHER ORDERED that the presiding Administrative Law Judge may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 13th day of December, 2007.


MARC E. STERN
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 13th day of December, 2007 to:

James H. Smith
UNION PACIFIC RAILROAD COMPANY
10031 Foothills Boulevard
Roseville, California 95747


Brian Lehman, Chief
Railroad Safety Section
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

Anthony J. Hancock
Terrance L. Sims
BEAUGUREAU, ZUKOWSKI &
HANCOCK, P.C.
302 East Coronado
Phoenix, Arizona 85004
Attorneys for Union Pacific Railroad
Company

Christopher Kempley, Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

Gregory Stanley, County Engineer
PINAL COUNTY
P.O. Box 727
31 North Pinal St., Bldg. F
Florence, Arizona 85232

ARIZONA REPORTING SERVICE, INC.
2200 North Central Avenue, Suite 502
Phoenix, AZ 85004-1481

By: 
Debra Broyles
Secretary to Marc Stern